

# DrinkerBiddle&Reath

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VIA ECF

Hon. Peter Sheridan, U.S.D.J.  
United States District Court  
Clarkson S. Fisher Federal Building &  
United State Courthouse  
Room 4050  
402 East State Street  
Trenton, New Jersey 08608

Re: In Re Foster Wheeler AG Shareholder Litigation  
3:14-cv-01608

Dear Judge Sheridan:

This firm represents Defendants in the above-referenced consolidated litigation. We write to alert Your Honor that no proceedings have taken place in this dormant matter for more than a year and to respectfully request that Your Honor direct the Clerk to dismiss the case for lack of prosecution pursuant to Local Civil Rule 41.1(a).

By way of explanatory background, Plaintiffs' respective March 12, 2014 and March 19, 2014 Complaints arose out of the same set of facts involving the merger of Defendant Foster Wheeler AG and AMEC plc. More than one year ago, on April 17, 2014, Judge Pisano entered a Stipulation and Consent Order (ECF No. 14) consolidating the litigation and ordering Plaintiffs to file a Consolidated Complaint "no later than fourteen (14) days" after defendant Foster Wheeler AG filed its Schedule 14D-9 Recommendation Statement with the United States Securities and Exchange Commission. Foster Wheeler made the filing on October 7, 2014, and Plaintiffs' time to file a Consolidated Complaint thus elapsed on October 21, 2014. Plaintiffs never filed a Consolidated Complaint and this case has been entirely dormant since Judge Pisano's April 17, 2014 Order. Because no proceedings have taken place for well over 120 days, dismissal pursuant to Local Rule 41.1(a) is appropriate.

We thank Your Honor for the consideration of this matter.

Very truly yours,

/s/ James M. Altieri

James M. Altieri

cc: All Counsel of Record via ECF

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*This case is dismissed pursuant to L.R. 41.1(a). The clerk is directed to close the case. Any party may seek relief by a motion for reconsideration, if there is an objection.*

**SO ORDERED:** Peter M. Sheridan  
**DATED:** 5/26/15  
Lead Case No.